

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

INITIAL ORDER
UNDER § 3482(c)(2)

v.

05-CR- 6144L

JERRY SMITH,

Defendant.

The defendant, through counsel, has filed a Motion to Modify Sentence under 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10, as amended. The government shall file a response to the defendant's motion within thirty (30) days from the date of this Order. Also within thirty (30) days, the United States Probation Office for the Western District of New York shall prepare and distribute to the Court and counsel a preliminary sentencing guideline recalculation setting forth the anticipated guideline range for the defendant under U.S.S.G. § 1B1.10, as amended. The defendant shall have two weeks from the government's response to file a reply. The Court will advise the parties if it determines that oral argument is necessary.

The Court hereby authorizes the United States Probation Office to provide counsel with copies of the original Presentence Investigation Report, the original Judgment, including the Statements of Reasons for the sentence imposed, and any

progress reports obtained from the Bureau of Prisons. The Court also authorizes counsel to view the defendant's Sentry report in the probation office.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 17, 2008.